

**REMARKS**

In response to the Office Action mailed September 11, 2003 the Applicant respectfully requests reconsideration.

**IN THE WRITTEN DESCRIPTION OF THE SPECIFICATION**


To further the prosecution of this application, amendments have been made to the written description of the specification as shown above. The paragraphs beginning on page 8, line 1, line 4 and line 6 have been cancelled because these three paragraphs merely duplicate, the three preceding paragraphs beginning on page 7, line 22. Amendments to the paragraphs on page 8 were made for clarification. The amendments to the paragraphs beginning on page 8, line 9 and line 26 are clearly supported by Fig. 2 and throughout the specification, particularly from page 6, line 12-page 9, line 7. No new matter has been added by these amendments and the Examiner is respectfully requested to approve each of them.

**IN THE CLAIMS**

To further the prosecution of this application, amendments have been made in the claims as illustrated above. Claims 1-19 were previously pending in this application. By this amendment, Applicant amends claims 1-3, 5, 8, 13 and 15-17 as shown above. As a result, claims 1-19 are pending for examination, of which claims 1, 8 and 13 are independent.

**1. Claims 1-12 Satisfy the Requirements of 35 U.S.C. §112, First Paragraph**

Claims 1-12, 16 and 17 stand rejected under §112, First Paragraph (Office Action, page 2). In response, Applicant has amended claim 1 as shown above to recite, *inter alia*: "...wherein components of the parallel oscillating circuit of the eletromagnetic transponder are sized so that a distance at which a voltage across the oscillating circuit of the transponder is maximum is greater than a distance at which a coupling coefficient between the oscillating circuit of the transponder and oscillating circuit of the terminal is maximum." Applicant has made similar amendments to claims 8, 16 and 17 as shown above. These amendments are clearly supported in Fig. 2 and throughout the application, particularly from page 8, line 9-page 9, line 7.



Therefore, for at least these reasons, claims 1, 8, 16 and 17 as amended, and their dependent claims, satisfy the requirements of 35 U.S.C. §112, first paragraph. Accordingly, Applicant respectfully requests that the rejection of claims 1, 8, 16 and 17 under §112, first paragraph be withdrawn. As there are no further rejections of claims 1-12, claims 1-12 should now be in condition for allowance.

## **2. Claims 13-19 Patentably Distinguish Over Janning**

Claims 13-19 stand rejected (pages 4-5) under 35 U.S.C. §102(e) as purportedly being anticipated by Janning. Applicant respectfully traverses.

### **2.1 Discussion of Janning**

As described in Applicant's previous response submitted April 4, 2003, Janning is directed to a method and apparatus for wirelessly transmitting digital information in a substantially electrically shielded environment. In contrast to the assertions of the Office Action (page 5), Janning does not disclose that either the dispenser transceiver or the receptacle transceiver is structurally dedicated to operation where a distance between the transceivers exceeds a predetermined distance. Referring to Fig. 1, Janning discloses that when a receptacle transceiver 50 enters a coverage area of a dispenser transceiver 22 *and is sufficiently close to the dispenser transceiver 22 to permit reception of an interrogation signal*, the receptacle transceiver 50 transmits information to the dispenser receiver 22 in the form of a radio signal. (Fig. 1; col. 9, lines 20-52; emphasis added). The receptacle transceiver must be positioned *sufficiently close to the dispenser transceiver to permit the receptacle transceiver to receive a radio signal from the dispenser transceiver*. (Col. 28, lines 9-11; Fig. 14; emphasis added). The apparatus of Janning uses both a low frequency carrier and magnetic coupling, which provides for a fairly well constrained transmission range due to the fact that *magnetic coupling decreases in proportion to the cube of the distance from the magnetic source*. (Col. 25, lines 2-9; emphasis added).

Thus, Janning discloses that the transceivers are structurally dedicated to operation as close to one another as possible, where the magnetic coupling between them is strongest.

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The Office Action asserts that Janning teaches, in col. 9, lines 52-58, that a minimum predetermined distance between the transceivers is limited by the position of the receptacle transceiver 50 and the dispenser transceiver 22. A minimum distance between the transceivers of Janning indeed may be limited at any given time by the relative positions of the transceivers at that time (e.g., the position of an automobile in relation to a stationary gas pump as shown in Fig. 1). However, the transceivers are still structurally dedicated to operation as close to one another as possible, as described above. Janning simply does not teach that the transceivers are structurally dedicated to operation where a distance between transceivers exceeds a predetermined distance.

### 2.2 Claim 13 Is Not Anticipated By Janning

Claim 13 has been amended merely for clarification to recite:

13. A system for contactless electromagnetic transmission between a terminal and a transponder, comprising:
- the terminal having a first oscillating circuit including a first resistor, a first capacitor and a first inductor; and
  - the transponder having a second oscillating circuit including a second resistor, a second capacitor and a second inductor;
- wherein at least one of the terminal and the transponder is structurally dedicated to operation where a distance between the terminal and the transponder exceeds a predetermined distance.**

Claim 13 is not anticipated by Janning because Janning fails to disclose a system for contactless electromagnetic transmission between a terminal and a transponder, wherein at least one of the terminal and the transponder is structurally dedicated to operation where a distance between the terminal and the transponder exceeds a predetermined distance. In contrast, as discussed above, Janning discloses a system in which transceivers of a dispenser and a receptacle are structurally dedicated to operate as close to one another as possible.

Therefore, for at least these reasons, claim 13 is not anticipated by Janning. Accordingly, Applicant respectfully requests that the rejection of claim 13 under §102(e) as being anticipated by Janning be withdrawn.

Claims 14-19, which each depend directly or indirectly from claim 13 are patentable over the art of record for at least the same reasons as claim 13. Accordingly, Applicant respectfully requests that the rejections of these claims be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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